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10/560,579	04/23/2007	Scott MacDonald Ward	522331.0324476 (EPX0021-U)	6641
36183 7590 03/09/2010 PAUL, HASTINGS, JANOFSKY & WALKER LLP 875 15th Street, NW Washington, DC 20005			EXAMINER HENNING, MATTHEW T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,579	<b>Applicant(s)</b> WARD ET AL.	
	<b>Examiner</b> MATTHEW T. HENNING	<b>Art Unit</b> 2431	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

1           This action is in response to the communication filed on 11/30/2009.

2                                   **DETAILED ACTION**

3           Applicant's arguments filed 11/30/2009 have been fully considered but they are not  
4     persuasive.

5           Regarding the applicants' argument that Ginter did not teach that the authentication data  
6     was inaccessible to the user, the examiner does not find the argument persuasive. First, Ginter  
7     disclosed that the access keys were stored within the protected memory of the SPU. Second,  
8     Ginter teaches neither that the user has access to the access keys nor that the user has access to  
9     the protected memory of the SPU. Therefore, the examiner does not find the argument  
10    persuasive.

11          Regarding the applicants' argument that Ginter requires specific hardware not claimed,  
12    the examiner does not find the argument persuasive. The claims do not use the phraseology  
13    "consisting", but rather uses the phraseology "comprising". Therefore, the claims are not limited  
14    to only what has been recited within the claim language, but rather are limited to anything  
15    including what has been recited within the claim language. Therefore, the examiner does not  
16    find the argument persuasive.

17          Regarding the applicants' request for non-final rejection due to the applicants' belief that  
18    the rejection was not explained thoroughly enough, the examiner does not find the argument  
19    persuasive. The search report provides sufficient details as to how Ginter meets the claim  
20    language. Therefore, the examiner has maintained the rejection and has made the rejection final.

21          Regarding the applicants' argument that Cocotis does not teach wherein the  
22    authentication data is inaccessible to the user, the examiner does not find the argument

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1 persuasive. Paragraph 0043 clearly states that in the case where the client is capable of  
2 communicating with the server, "then it is only necessary that the client 16 be able to access a  
3 public key corresponding to the private key used by the server 18." As such, in this case, the  
4 user does not have access to the public key. Therefore, the examiner does not find the argument  
5 persuasive.

6       Regarding the applicants' argument that a public key cannot be "authentication data"  
7 because it is predetermined, the examiner does not find the argument persuasive. Both public  
8 and private keys are used for authentication purposes. Therefore, they fall within the scope of  
9 "authentication data". As such, the examiner does not find the argument persuasive.

10       Regarding the applicants argument that Cocotis did not disclose "authentication  
11 software" in the user's electronic device, the examiner does not find the argument persuasive.  
12 Paragraphs 0043 and 0061 clearly show that a software application is present in the client 16,  
13 and that the software application contains the public key and is used to validate the server digital  
14 signatures. Therefore, Cocotis meets this limitation of the claim, and as such the examiner does  
15 not find the argument persuasive.

16       Regarding the applicants' argument that XTEC does not disclose that its  
17 cryptoprocessing key is inaccessible to the user, the examiner does not find the argument  
18 persuasive. First, XTEC does not teach the user ever having access to the cryptoprocessing key.  
19 Second, XTEC specifically states on Page 13 Lines 9-19 that the user cannot access the database  
20 because the key used to encrypt the database is not present in the system. Finally, it is the  
21 database that reads upon the authentication data in the claim language. As such, the examiner  
22 does not find the argument persuasive.

1           Regarding the applicants' argument that "using data supplied by a hard disk manufacturer  
2   to generate cryptoprocessing keys is clearly contrary to the present invention, the examiner does  
3   not find the argument persuasive. The examiner suggests that the claim language is broad  
4   enough to read upon the disclosure of XTEC, and therefore XTEC is relevant as prior art. As  
5   such, the examiner does not find the argument persuasive.

6           Regarding the applicants' argument that Cooper fails to teach that the authentication data  
7   is inaccessible to the user, the examiner does not find the argument persuasive. The examiner  
8   has not relied upon Cooper alone in teaching this limitation, but rather has relied upon the  
9   teachings of Cooper in combination with what was well known in the art at the time of invention  
10   (i.e. to make private keys inaccessible to users). Therefore, the examiner does not find the  
11   argument persuasive.

12          Regarding the applicants' argument that Cooper did not disclose authentication software  
13   that generates a digital signature, the examiner does not find the argument persuasive. The  
14   examiner has not relied upon Cooper alone in teaching this limitation, but rather has relied upon  
15   the teachings of Cooper in combination with the teachings of Mott. Therefore, the examiner  
16   does not find the argument persuasive.

17          Regarding the applicants' argument that Cooper did not disclose providing a digital  
18   signature to a second transaction party, the examiner does not find the argument persuasive. Col.  
19   25 Line 40 – Col. 26 Line 24 clearly discloses where the user device generates a signature of the  
20   transaction ID, sends this signature to the customer site which verifies the signature, and embeds  
21   the signature into the content. Therefore, the examiner does not find the argument persuasive.

1           Regarding the applicants' argument that the combination of Cooper and Mott would  
2 result in a method in which a player retrieves an ID number from a digital information file, and  
3 verifying that the player ID matches the retrieved ID, the examiner does not find the argument  
4 persuasive. Mott clearly teaches that the signature of a content file should be verified prior to  
5 allowing playback of the content file. The combination would result in the player verifying the  
6 signature of the content file prior to allowing playback of the file. As the applicants have  
7 admitted, there would be no reason for incorporating the portion of Mott related to the ID  
8 numbers into Cooper. Therefore, the examiner does not find the argument persuasive.

9           Regarding the applicants' argument that there is no reason to combine Cooper with Mott,  
10 the examiner does not find the argument persuasive. The motivation to combine, as discussed in  
11 the rejection below, is that the ordinary person skilled in the art would have been motivated to  
12 ensure that the content had not been illicitly altered, and to ensure that the player would not play  
13 illicitly altered or copied content. Therefore, the examiner does not find the argument  
14 persuasive.

15           Regarding the applicants' argument that Cooper and Mott did not teach providing  
16 authentication data in a memory of an electronic device, the examiner does not find the argument  
17 persuasive. Cooper Col. 25 Line 40 – Col. 26 Line 24 clearly teaches that the private key is used  
18 by the player device to sign the transactional ID. Therefore the private key must have been  
19 present in a memory of the player device. Therefore, the examiner does not find the argument  
20 persuasive.

21           Regarding the applicants' argument that Cooper and Mott did not teach digital data  
22 having a digital signature embedded therein, the examiner points the applicants to Col. 25 Line

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1 40 – Col. 26 Line 24 which clearly shows that the signed transactional ID may be transparently  
2 added to the digital content using watermarking technology. Therefore the examiner does not  
3 find the argument persuasive.

4       Regarding the applicants' argument regarding the means-plus-function language of claim  
5 30, the examiner points out that the relied upon structures of Cooper and Mott are the equivalent  
6 of those disclosed in the present application, and the applicants have not presented any showing  
7 to the contrary. Therefore, the examiner does not find the argument persuasive.

8       Regarding the applicants' argument that Cooper/Mott/Challener do not teach storing or  
9 running authentication data or software that is inaccessible to the operating system of the device,  
10 the examiner does not find the argument persuasive. As discussed in the rejection of the claim  
11 below, the teachings of Challener in combination with the teachings of Cooper and Mott render  
12 these limitations obvious. That is, Challener teaches that the BIOS is used to verify signatures,  
13 thereby rendering obvious that the private key would be accessible only to the BIOS chip, and  
14 therefore not by the general operating system of the computer. As such, the examiner does not  
15 find the argument persuasive.

16       Regarding the applicants' argument that Cooper/Mott/Unicate do not teach an  
17 authentication table generated from a bit string which is generated from fixed and variable data  
18 and a bit string, the examiner does not find the argument persuasive. The teachings of Unicate  
19 meet the limitations claimed. For example, a first line of the image can read upon the fixed data,  
20 a second line of the image can read upon the string data, and the coordinates of the blanks in the  
21 image can read on the variable data. Therefore, the examiner does not find the argument  
22 persuasive.

1 All objections and rejections not set forth below have been withdrawn.

2 Claims 1-31 have been examined.

3 ***Claim Rejections - 35 USC § 102***

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
5 basis for the rejections under this section made in this Office action:

6 *A person shall be entitled to a patent unless –*

7 *(a) the invention was known or used by others in this country, or patented or described in*  
8 *a printed publication in this or a foreign country, before the invention thereof by the applicant*  
9 *for a patent.*

10  
11 *(b) the invention was patented or described in a printed publication in this or a foreign*  
12 *country or in public use or on sale in this country, more than one year prior to the date of*  
13 *application for patent in the United States.*

14  
15 *(c) the invention was described in (1) an application for patent, published under section*  
16 *122(b), by another filed in the United States before the invention by the applicant for patent or*  
17 *(2) a patent granted on an application for patent by another filed in the United States before the*  
18 *invention by the applicant for patent, except that an international application filed under the*  
19 *treaty defined in section 351(a) shall have the effects for purposes of this subsection of an*  
20 *application filed in the United States only if the international application designated the United*  
21 *States and was published under Article 21(2) of such treaty in the English language.*  
22  
23

24 Claims 1-5, 8-12, 14, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated  
25 by Ginter et al. (US Patent Application Publication Number 2002/112171) for the reasons  
26 provided in the search report for PCT/NL2004/000422.

27 Claims 1-5, 8-12, 14, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated  
28 by Cocotis et al. (US Patent Application Publication Number 2002/112162) for the reasons  
29 provided in the search report for PCT/NL2004/000422.

30 Claims 1, 2, 5-7, 10-11, 28, 29, and 31 are rejected under 35 U.S.C. 102(b) as being  
31 anticipated by XTEC (WO 01/84319).



1           Regarding claim 1, XTEC disclosed a method for performing an electronic transaction  
2   between a first transaction party and a second transaction party using an electronic device  
3   operated by the first transaction party, the method comprising: providing authentication data in a  
4   memory of said electronic device which authentication data are inaccessible to a user of said  
5   electronic device; providing authentication software in said electronic device, the authentication  
6   data being accessible to said authentication software; activating the authentication software to  
7   generate a digital signature from the authentication data; providing the digital signature to the  
8   second transaction party (XTEC Page 2 Line 19 - Page 4 Line 4, Page 5 Line 3 - Page 8 Line  
9   19).

11           Regarding claim 28, XTEC disclosed a method for encrypting digital data on an  
12   electronic device using an encryption key, the method comprising: gathering session specific  
13   data; hashing said session specific data to obtain reference numbers referring to positions in an  
14   authentication table stored in said electronic device; generating said encryption key from the  
15   characters stored in the authentication table at said positions; and encrypting said digital data  
16   using said encryption key (XTEC Page 2 Line 19 - Page 4 Line 4, Page 5 Line 3 - Page 8 Line  
17   19).

18           Regarding claims 2 and 29, XTEC disclosed a system for performing an electronic  
19   transaction between a first transaction party and a second transaction using an electronic device  
20   operated by the first transaction party, the system comprising: means for providing  
21   authentication data in a memory of said electronic device which authentication data are  
22   inaccessible to a user of the electronic device; means for providing authentication software in

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1 said electronic device, the authentication data being accessible to said authentication software;  
2 means for activating the authentication software to generate a digital signature from the  
3 authentication data; means for providing the digital signature to the second transaction party; and  
4 means for providing digital data from the second transaction party to the first transaction party  
5 (XTEC Page 2 Line 19 - Page 4 Line 4, Page 5 Line 3 - Page 8 Line 19).

6  
7       Regarding claim 31, XTEC disclosed a system for encrypting digital data using an  
8 encryption key, the system comprising: means for providing authentication data in a memory of  
9 said electronic device which authentication data are inaccessible to a user of the electronic  
10 device; means for providing authentication software in said electronic device, the authentication  
11 data being accessible to said authentication software; means for activating the authentication  
12 software to generate a digital signature from the authentication data; means for gathering session  
13 specific data; means for hashing said session specific data to obtain reference numbers referring  
14 to positions in an authentication table stored in said electronic device; means for generating said  
15 encryption key from the characters stored in the authorization table at said positions; and means  
16 for encrypting said digital data using said encryption key (XTEC Page 2 Line 19 - Page 4 Line 4,  
17 Page 5 Line 3 - Page 8 Line 19).

18       Regarding claims 5-7, XTEC disclosed wherein the authentication data are provided by  
19 the second transaction party, which stores the authentication data together with data identifying  
20 the first transaction party, (XTEC Page 2 Line 19 - Page 4 Line 4, Page 5 Line 3 - Page 8 Line  
21 19), wherein the second transaction party uses the stored authentication data to obtain  
22 transaction specific authentication data according to a specific algorithm (XTEC Page 2 Line 19

1 - Page 4 Line 4, Page 5 Line 3 - Page 8 Line 19), wherein the second transaction party verifies  
2 the digital signature provided by the first transaction party using the authentication data stored at  
3 the second transaction party (XTEC Page 2 Line 19 - Page 4 Line 4, Page 5 Line 3 - Page 8 Line  
4 19).

5 Regarding claims 10 and 11, XTEC disclosed wherein the authentication data are  
6 encrypted by the second transaction party using an encryption key before the authentication data  
7 are provided to the first transaction party, and wherein the authentication software retrieves a  
8 decryption key associated with the encryption key and decrypts the authentication data at its first  
9 use (XTEC Page 2 Line 19 - Page 4 Line 4, Page 5 Line 3 - Page 8 Line 19).

10 ***Claim Rejections - 35 USC § 103***

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12 obviousness rejections set forth in this Office action:

13 *A patent may not be obtained though the invention is not identically disclosed or*  
14 *described as set forth in section 102 of this title, if the differences between the subject matter*  
15 *sought to be patented and the prior art are such that the subject matter as a whole would have*  
16 *been obvious at the time the invention was made to a person having ordinary skill in the art to*  
17 *which said subject matter pertains. Patentability shall not be negated by the manner in which*  
18 *the invention was made.*  
19

20 Claims 6, 7, 13, and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable  
21 over Ginter et al. (US Patent Application Publication Number 2002/112171) for the reasons  
22 provided in the search report for PCT/NL2004/000422.

23 Claims 6, 7, 13, and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable  
24 over Cocotis et al. (US Patent Application Publication Number 2002/112162) for the reasons  
25 provided in the search report for PCT/NL2004/000422.

1           Claims 1-11, 14-18, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable  
2   over Cooper et al. (US Patent Number 7,426,750) hereinafter referred to as Cooper, and further  
3   in view of Mott et al. (US Patent Number 6,170,060) hereinafter referred to as Mott.

4           Regarding claims 1 and 29, Cooper disclosed a system and method for performing an  
5   electronic transaction between a first transaction party and a second transaction party using an  
6   electronic device operated by the first transaction party, the method comprising: providing  
7   authentication data in a memory of said electronic device (Cooper Col. 9 Line 56- Col. 10 Line  
8   14); generate a digital signature from the authentication data (Cooper Col. 29 Lines 17-26);  
9   providing the digital signature to the second transaction party (Cooper Col. 22 Line 35 – Col. 28  
10   Line 6). Cooper failed to specifically disclose that authentication data are inaccessible to a user  
11   of said electronic device. However, it was well known in the art at the time of invention to  
12   secure authentication data, such as private encryption keys, from user access, and therefore, the  
13   ordinary person skilled in the art would have found it obvious to have done so. This would have  
14   been obvious because the ordinary person skilled in the art would have been motivated to protect  
15   the authentication data from being altered or exposed.

16           Cooper further failed to disclose providing authentication software in said electronic  
17   device, the authentication data being accessible to said authentication software; or activating the  
18   authentication software to generate the digital signature.

19           Mott teaches that in a content player, the signature in the content should be verified by  
20   the player prior to allowing the content to be played back (Col 19 Lines 18-37).

21           It would have been obvious to the ordinary person skilled in the art at the time of  
22   invention to have employed the teachings of Mott in the system of Cooper by providing

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1 authentication software for generating the signature and for verifying that the signature in the  
2 watermark matches the signature generated in the authentication software prior to permitting  
3 playback of the content. This would have been obvious because the ordinary person skilled in  
4 the art would have been motivated to ensure that the content had not been illicitly altered, and to  
5 ensure that the player would not play illicitly altered or copied content.

6       Regarding claims 9 and 30, Cooper and Mott taught a system and method for performing  
7 a verification of legitimate use of digital data on an electronic device, the method comprising:  
8 providing authentication data in a memory of said electronic device which authentication data  
9 are inaccessible to a user of the electronic device (Cooper Col. 9 Line 56- Col. 10 Line 14 and  
10 the rejection of claim 1 above); providing authentication software in said electronic device, the  
11 authentication data being accessible to said authentication software (Mott Col. 19 Lines 18-37  
12 and the rejection of claim 1 above); activating the authentication software to generate a digital  
13 signature from the authentication data (Mott Col. 19 Lines 18-37 and the rejection of claim 1  
14 above); providing the digital signature to the authentication software by an application accessing  
15 digital data having a digital signature embedded therein (Mott Col. 19 Lines 18-37 and the  
16 rejection of claim 1 above); and comparing the generated digital signature with the embedded  
17 digital signature (Mott Col. 19 Lines 18-37 and the rejection of claim 1 above).

18       Regarding claims 2-3 Cooper and Mott taught that the second transaction party provides  
19 digital data to the first transaction party, and that the second transaction party embeds the digital  
20 signature in the digital data provided to the first transaction party (Cooper Col. 22 Line 35 – Col.  
21 28 Line 6 and Col. 29 Lines 17-26).

1           Regarding claim 4, Cooper and Mott taught that the second transaction party stores the  
2   digital signature together with data identifying the first transaction party (Cooper Col. 29 Lines  
3   17-26).

4           Regarding claims 5-7, Cooper and Mott taught wherein the authentication data are  
5   provided by the second transaction party, which stores the authentication data together with data  
6   identifying the first transaction party, wherein the second transaction party uses the stored  
7   authentication data to obtain transaction specific authentication data according to a specific  
8   algorithm, wherein the second transaction party verifies the digital signature provided by the first  
9   transaction party using the authentication data stored at the second transaction party (Cooper Col.  
10   16 Line 49 – Col. 21 Line 10).

11           Regarding claim 8, Cooper and Mott taught that the first transaction party further  
12   provides a signed digital signature to the second transaction party, the signed digital signature  
13   being generated by the authentication software by signing the digital signature using a private  
14   key, which private key is unique for said authentication software and is known to a third party  
15   (See the rejection of claim 1 above).

16           Regarding claims 10-11, Cooper and Mott taught that the authentication data are  
17   encrypted by the second transaction party using an encryption key before the authentication data  
18   are provided to the first transaction party, and wherein the authentication software retrieves a  
19   decryption key associated with the encryption key and decrypts the authentication data at a first  
20   use of the authentication data (Cooper Col. 29 Lines 17-26 and the rejection of claim 1 above).

21           Regarding claims 14-18, while Cooper and Mott did not specifically teach that the  
22   authentication data are encrypted when the authentication data are stored in said memory, and

1 wherein a decryption key for decrypting the authentication data is inaccessible to said user and to  
2 any user-operated software, thereby rendering the authentication data inaccessible to said user,  
3 wherein the authentication data are encrypted using at least two encryption layers, wherein at  
4 least one encryption layer may be decrypted using a decryption key associated with at least one  
5 serial number of hardware a component of said electronic device, wherein at least one encryption  
6 layer may be decrypted by the authentication software, and wherein the authentication data are  
7 decrypted in a secure processing, environment inaccessible to said user and to any user-operated  
8 software, these were well known features of secure storage in the art at the time of invention, and  
9 as such, would have been obvious to the ordinary person skilled in the art at the time of  
10 invention.

11 Claims 12-13 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
12 Cooper and Mott as applied to claim 1 above, and further in view of Challener et al. (US Patent  
13 Application Publication 20030208338) hereinafter referred to as Challener.

14 While Cooper and Mott taught that the authentication data was inaccessible to the user,  
15 Cooper and Mott failed to specifically teach that the memory was inaccessible to an operating  
16 system of the electronic device, that the authentication data are provided in a BIOS of the  
17 electronic device, or that the authentication software is inaccessible to an operating system and is  
18 run in a secure processing environment.

19 Challener teaches that in many computer platforms, trusted information such as private  
20 keys, digital certificates, random number generators, protected storage and the Root-of-Trust  
21 Measurement, reside on two hardware chips within the platform, the Trusted Platform Module

1 (TPM) and the POST/BIOS Module (Challener Paragraph 0018). Challener further teaches that  
2 the BIOS is used to verify signatures (Challener Paragraph 0028).

3 It would have been obvious to the ordinary person skilled in the art at the time of  
4 invention to have employed the teachings of Challener in the signature verification content  
5 player system of Cooper and Mott by storing the authentication data, such as the private and  
6 public keys, in the BIOS, and having the BIOS routines perform the authentication. This would  
7 have been obvious because the ordinary person skilled in the art would have been motivated to  
8 provide a specific means to the generic teachings for storing the authentication data and for  
9 implementing the verification processing.

10 Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper and  
11 Mott as applied to claim 1 above, and further in view of Unicate (WO 00/67143).

12 While Cooper and Mott disclosed authentication of a signature, Cooper and Mott failed to  
13 specifically disclose the authentication data comprise an authentication table, wherein the  
14 authentication table is generated from a bit string which is generated from fixed data and variable  
15 data, wherein the fixed data are at least part of a serial number of a hardware device, wherein the  
16 fixed data are at least part of a device specific software identification code of the authentication  
17 software, wherein the variable data comprise a random table, wherein the random table is  
18 calculated from a random two-dimensional or three-dimensional pattern, or wherein the  
19 authentication table is generated from fixed data, variable data and a bit string, which bit string is  
20 specific to a trusted third party that provides the authentication data.

21 Unicate teaches an authentication system wherein the authentication data comprise an  
22 authentication table, wherein the authentication table is generated from a bit string which is



1 generated from fixed data and variable data, wherein the fixed data are at least part of a serial  
2 number of a hardware device, wherein the fixed data are at least part of a device specific  
3 software identification code of the authentication software, wherein the variable data comprise a  
4 random table, wherein the random table is calculated from a random two-dimensional or three-  
5 dimensional pattern, or wherein the authentication table is generated from fixed data, variable  
6 data and a bit string, which bit string is specific to a trusted third party that provides the  
7 authentication data (Page 13 Line 34 – Page 15 Line 2).

8 It would have been obvious to the ordinary person skilled in the art at the time of  
9 invention to have employed the teachings of Uinate in the content player system of Cooper and  
10 Mott by employing the authentication table for generating the signatures to be embedded in the  
11 content. This would have been obvious because the ordinary person skilled in the art would have  
12 been motivated to provide a secure transaction without the need for cryptography.

### 13 ***Conclusion***

14 Claims 1-31 have been rejected.

15 The prior art made of record and not relied upon is considered pertinent to applicant's  
16 disclosure.

17 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time  
18 policy as set forth in 37 CFR 1.136(a).

19 A shortened statutory period for reply to this final action is set to expire THREE  
20 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO  
21 MONTHS of the mailing date of this final action and the advisory action is not mailed until after  
22 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

1 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
2 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,  
3 however, will the statutory period for reply expire later than SIX MONTHS from the mailing  
4 date of this final action.

5 Any inquiry concerning this communication or earlier communications from the  
6 examiner should be directed to MATTHEW T. HENNING whose telephone number is  
7 (571)272-3790. The examiner can normally be reached on M-F 8-4.

8 If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
9 supervisor, William Korzuch can be reached on (571)272-7589. The fax phone number for the  
10 organization where this application or proceeding is assigned is 571-273-8300.

11 Information regarding the status of an application may be obtained from the Patent  
12 Application Information Retrieval (PAIR) system. Status information for published applications  
13 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
14 applications is available through Private PAIR only. For more information about the PAIR  
15 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR  
16 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would  
17 like assistance from a USPTO Customer Service Representative or access to the automated  
18 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

19  
20 /Matthew T Henning/  
21 Primary Examiner, Art Unit 2431  
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